

STIPULATION

IN THE MATTER OF:

**Alleged Alcoholic Beverage
License Violation
B3 Investments, LLC
800 West 98th Street
Bloomington, MN 55420**

CITY COUNCIL HEARING

The City of Bloomington, through its undersigned attorney, and B3 Investments, LLC, through its undersigned agent, hereby stipulate to the following facts:

1. B3 Investments, LLC, is licensed under Chapter 13 of the Bloomington City Code to operate an off-sale intoxicating liquor establishment known as Clover Wine & Spirits, located at 800 West 98th Street, in the City of Bloomington.

2. On December 17, 2014 at approximately 7:09 p.m., a Bloomington police operative, who was 19 years of age, entered Clover Wine & Spirits, located at 800 West 98th Street, in the City of Bloomington, and selected a twelve pack of Budweiser beer. The operative then walked to the cashier, subsequently identified as Gelmar Philimon Bechara (d.o.b. 01/15/1976). Mr. Bechara did not ask for the operative's identification or his age. The operative paid \$12.06 for the beer, and the transaction was processed by Mr. Bechara.

3. At no time did the operative lie about his age. After the transaction, a Bloomington police officer identified herself to Mr. Bechara and advised Mr. Bechara that he had served a minor.

4. Based on the foregoing facts, Mr. Bechara was charged with a gross-misdemeanor offense of selling an alcoholic beverage to a person under 21 years of age, in violation of Minnesota Statutes, Section 340A.503, subd. 2(1), and in violation of Section 13.52 of the Bloomington City Code.

5. The parties agree that copies of the Bloomington Police Department records regarding this incident are incorporated into this stipulation by reference.

DATED: 1-16-15

THE CITY OF BLOOMINGTON

Ann Kaul
Ann Kaul (Att. Id. #0268173)
Associate City Attorney
City of Bloomington
1800 West Old Shakopee Road
Bloomington, Minnesota 55431
(952) 563-4893

DATED: 01-13-15

B3 INVESTMENTS, LLC

[Signature]
B3 INVESTMENTS, LLC
By Its: OWNER



January 8, 2014

Manager
Clover Wine & Spirits
800 98th St W
Bloomington, MN 55420

Re: Alcohol Compliance Check

Dear Store Owner or Manager:

Congratulations! Your establishment passed the latest round of alcohol compliance checks conducted by the Bloomington Police Department in November of 2013. We appreciate your efforts in training your clerks not to sell liquor to underage teens. Your clerk did a great job asking for identification and refusing to sell to a minor.

Through joint efforts such as this law enforcement and local retailers are succeeding in reducing access to alcohol products by young people.

If you have questions regarding our compliance check program, or if Bloomington Police staff or I can be of assistance to you, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Potts", written in a cursive style.

Jeffrey D. Potts
Chief of Police

POLICE DEPARTMENT

1800 W. OLD SHAKOPEE ROAD, BLOOMINGTON MN 55431-3027
PH 952-563-4900 FAX 952-563-4936 TTY 952-563-8740

AN AFFIRMATIVE ACTION/EQUAL
OPPORTUNITIES EMPLOYER



November 13, 2014

Dear Store Owner or Manager:

Congratulations! Your store passed the latest round of tobacco compliance checks conducted by the Bloomington Police Department in August. We appreciate your efforts in training your clerks not to sell tobacco to underage teens. Your clerk did a great job asking for identification and refusing to sell to a minor!

Compliance checks are conducted at area tobacco retailers at least once a year as a result of a city ordinance and state tobacco legislation aimed at reducing tobacco sales to youth.

By not selling to minors, both you and your clerks avoid fines and other penalties. You are also helping youth avoid tobacco addiction and tobacco-related diseases.

Please call the Bloomington Health Department at 952-563-8998 if you have suggestions on how to reduce youth tobacco sales or would like additional information or training materials.

Thanks for "doing your part so kids don't start!"

Sincerely,

BLOOMINGTON POLICE DEPARTMENT

A handwritten signature in black ink, appearing to read "Jeff Potts", is written over the printed name and title.

Jeffrey D. Potts
Chief of Police

Enclosures

Bloomington

Disposition:

INCIDENT

Case Number: 14012963

Title: LIQUOR/TOBACCO COM

14012963

Charges/Offenses: 340A.503.2(1)

Needs Follow-up: No

Incident Type:

Citation Issued: No

Investigation Needed: No

CAD #: LBP141217068859

Admin Review Needed: Yes

How Initiated: Dispatch

Drug Related: No

Gang Related: No

Domestic Related: No

OFFICER INFORMATION

Name	Agency	Badge	Type
Kerri A Nolden	Bloomington	237	Investigator

EVENT DATES

Reported	On Scene	Cleared
2014-12-17 19:09	2014-12-17 19:13	2014-12-17 19:13

INCIDENT DETAILS

Address: 800 98 Street W; Bloomington, MN; US

Location Type:

Location Description: CLOVER WINE & SPIRITS

Start Date: 2014-12-17 19:09

End Date: 2014-12-17 19:13

SYNOPSIS

Liquor store sold alcoholic beverage to a minor.

Parties Involved

PERSON 1

Role(s): Suspect

Last: Bechara	First: Gelmar	Middle: Philimon	Suffix:
Date of Birth: 1976-01-15	Age: 38	Is Juvenile: No	
Residence: 6113 Vincent Avenue S; Minneapolis, MN 55410; US			
Sex: Male	Height: 600	Weight: 198 lbs	Hair:
Race: White	Ethnicity:	Build:	Eyes: Brown
			Complexion:

ASSIGNED ID INFORMATION

Type	Authority	ID
Drivers License	Minnesota	A391013881713

BUSINESS 1

Role(s): Mentioned

Association(s): Gelmar Philimon Bechara (BusinessOwner);

Business Name: Clover Wine & Spirits

Business Type:

Description:

Location: 800 98 Street W; Bloomington, MN; US

Work Phone: (952)346-1002

Description:

Incident Report

Bloomington
Disposition:

INCIDENT

Case Number: 14012963
Title: LIQUOR/TOBACCO COM

14012963

OFFENSE INFORMATION

Type: Statute	Chapter: 340A	Section: 503	Subdivision: 2(1)	Citation #:
UOC:		Level:		Enh. Factor:
Description: Liquor-Purchase/Sell/Barter/Furnish/Give to u/21yr				

STATEMENT

While working liquor compliance detail the following occurred:

Operative known as BMS (19 yoa male) entered Clover Wine & Spirits store at approximately 1909 hours. I waited in my vehicle, just outside of the main doors and did not observe the sale first-hand.

BMS stated that he presented a 12 pack of Budweiser beer to an older male clerk. The clerk did not ask his age or ask for his driver's license. BMS paid \$12.06 for the beer, received a receipt and exited the store with the beer. BMS turned over the beer, receipt and monetary change to me.

I made contact with the male clerk, who was identified via MN picture DL as Gelmar Bechara. I identified myself to Bechara, advising that he had just sold an alcoholic beverage to a minor. He was immediately apologetic and cooperative. He stated 'oh shit! I always ask for ID, I'm the owner'.

Bechara stated that they had no previous violations. He was advised that a report would be completed and charges would be pending against him and the business, after review by the Bloomington City Attorney's Office.

Digital photos of the beer and receipt were added to the case file.

The beer was returned to the business. Funds were given back to me from the business.

I failed to get the city alcohol license number and have not been able to reach someone at the store to get it.

No further information.

DOCUMENT APPROVAL HISTORY

Created By: Kerri A Nolden

On: 2014-12-18 11:25:47

Incident Report



January 5, 2015

B3 Investments, LLC
800 West 98th Street
Bloomington, MN 55420

RE: Alleged Alcoholic Beverage License Violation

Dear Sir or Madam:

The City of Bloomington's records indicate that a sale of alcoholic beverages to a person under the age of 21 years was made by an employee of Clover Wine & Spirits located at 800 West 98th Street, Bloomington, Minnesota, on December 17, 2014. Pursuant to Chapter 13 of the Bloomington City Code, the City Attorney's Office will be presenting the alleged alcoholic beverage license violation before the Bloomington City Council on **February 23, 2015, at 7:00 p.m.**

Section 13.55 of the Bloomington City Code provides that the City Council may revoke a license, suspend a license for up to sixty (60) days, impose a civil fine of up to \$2,000, or impose a combination of these sanctions for a violation of the City's alcoholic beverage control ordinance or a state law relating to alcoholic beverages.

In preparation for the public hearing on February 23, 2015, I am enclosing a copy of a proposed stipulation of facts regarding the sale to the minor that occurred at your establishment. Please contact me if you have any questions regarding this stipulation. If it meets with your approval, please sign it and return it to me along with copies of any documents you intend to present at the hearing on or before **February 2, 2015**. At the hearing, you will be able to present any arguments on your own behalf as to proper penalty, but the facts agreed to in this stipulation will govern the hearing.

Please contact me regarding this matter at your earliest convenience.

Very truly yours,

Ann Kaul
Associate City Attorney

Enclosures

cc: Doug Junker, City of Bloomington Licensing Department
Clover Wine & Spirits, Attn: General Manager, 800 West 98th Street, Bloomington, MN 55420



January 20, 2015

Clover Wine & Spirits
Attn: Gelmar Bechara
800 West 98th Street
Bloomington, MN 55420

RE: Alleged Alcoholic Beverage License Violation

Dear Mr. Bechara:

Attached for your records is an executed Stipulation of facts regarding the sale of liquor to a minor that occurred at your establishment on December 17, 2014. Copies of the executed Stipulation and the letters that you provided from Chief Potts dated January 8, 2014 and November 13, 2014, will be provided to the City Council for their consideration prior to the February 23, 2015, meeting.

Please contact me should you require anything further.

Sincerely,

Anna K. Sullivan
Paralegal/Office Manager
Direct Dial: 952.563.8518
E-Mail: asullivan@ci.bloomington.mn.us

cc: Ann Kaul, Assistant City Attorney